

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDREW KING,)	
)	
Plaintiff,)	
)	
v.)	2:19cv992
)	Electronic Filing
ALLEGHENY COUNTY SHERIFF'S)	
OFFICE, NEW MARTINSVILLE)	
POLICE DEPARTMENT, OFFICER)	
JASON K. UTT, OFFICER FRIEND)	
ESTEP, NORTHERN REGIONAL)	
CORRECTIONAL FACILITY,)	
ARRESTING OFFICER VINCENT)	
DICENZO, III, NORTH VERSAILLES)	
POLICE DEPARTMENT,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 18th day of November, 2020, after *de novo* review of the record and upon due consideration of defendants Northern Regional Correctional Facility, New Martinsville Police Department, Officer Jason K. Utt, and Officer Friend Estep's motions to dismiss for lack of personal jurisdiction, IT IS ORDERED that [10], [24] the motions be, and the same hereby are, granted. The claims against these defendants are dismissed without prejudice to Plaintiff filing a complaint in a court with personal jurisdiction over these defendants;

IT FURTHER IS ORDERED that [16] the motion to dismiss for failure to state a claim filed by the Allegheny County Sheriff's Office and [31] the motion for judgment on the pleadings filed by the North Versailles Police Department be, and the same hereby are, granted. This ruling is without prejudice to Plaintiff filing a complaint naming the correct parties; and

IT FURTHER IS ORDERED that [31] Officer DiCenzo's motion for judgment on the pleadings be, and the same hereby is, granted in part and denied in part. As to the claim under

the Fourth Amendment, the motion is granted without prejudice to Plaintiff's right to amend the complaint. Officer DiCenzo's motion for judgment on the pleadings with respect to a Fourteenth Amendment claim is denied.

The [51] Magistrate Judge's Report and Recommendation of October 5, 2020, is adopted as the opinion of the court.

s/ David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Louis K. Kroek, IV, Esquire
Lisa G. Michel, Esquire
Elizabeth Farina Collura, Esquire
Francis D. Wymard, Esquire
Thomas E. Buck, Esquire
Charles H. Saul, Esquire
Kyle T. McGee, Esquire

(Via CM/ECF Electronic Mail)

Defendant.

)
)

ORDER OF COURT

s/ DAVID STEWART CERcone
David Stewart Cercone
Senior United States District Judge

cc:

(Via CM/ECF Electronic Mail)